

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

2010 FEB -8 PM 2:53

WYNDHAM VACATION  
RESORTS, INC.,

Plaintiff,

v.

TOA, LLC d/b/a THE OWNERS'  
ADVOCATE,  
DAVID HUMPHREY  
a/k/a SCOTT DAVIDSON,  
KURT W. BARTLETT,  
and KAY METKO,

Defendants.

No. 09-00899

Judge Haynes

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

*ORDER*  
*For the reasons*  
*stated in the pending*  
*for the orders granting*  
*injunctive relief,*

**DEFENDANT KURT W. BARTLETT'S MOTION TO DISMISS COUNT THREE OF**  
**WYNDHAM VACATION RESORTS, INC.'S COMPLAINT**

*THIS*  
*MOTION*  
*IS DENIED*  
*Fuller*  
*6-15-10*

Defendant Kurt W. Bartlett ("Defendant or Bartlett"), pursuant to Federal Rules of Civil Procedure 12(b)(6), or alternatively Rule 12(c), hereby moves this Court to dismiss Count Three of the Complaint for Failure to State a Claim Upon Which Relief Can Be Granted. As set forth in more detail in the supporting memorandum, Plaintiff cannot prevail on its claim for the unauthorized practice of law against Bartlett because Plaintiff lacks Authority or Standing to bring such a claim. In support of this motion, Bartlett relies upon his Memorandum of Law in Support of Motion to Dismiss submitted concurrently herewith.

Respectfully submitted,



Kurt W. Bartlett  
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Pro Se